

## **REMARKS**

This is a full and timely response to the outstanding non-final Office Action mailed January 13, 2005. Through this response, claims 1, 4, and 12-20 have been amended, and claim 3 has been canceled without waiver, disclaimer, or prejudice. Reconsideration and allowance of the application and pending claims 1, 2, and 4-22 are respectfully requested.

### **I. Specification Objection**

The specification has been objected to for containing the following informality. Specifically, the Office Action identifies that on page 9, line 23, there is a typographical error referencing the “embodiment 392a”.

In response to the objection, Applicants have amended the specification to correct “embodiment 392a” to read “embodiment 302b,” which corresponds to the embodiment shown and labeled in kind in FIG. 5. Applicants have also canceled the typo “302a” in the same paragraph. Although this amendment effects a change to the specification, it is respectfully asserted that no new matter has been added. In view of this amendment, Applicants respectfully submit that the specification is not objectionable, and therefore respectfully requests that the objection be withdrawn.

### **II. Claim Objections**

Claims 1 and 12 have been objected to because it lists the parts 1 (a, b, e, f, g) where it is assumed to read parts 1 (a, b, c, d, e). Claims 13-20 are objected to because when claiming dependency to a previous claim, each claim references “the method of claim 11”.

In response to the objection, Applicants have amended claims 1 and 12 to reorder the lists of parts as suggested in the Office Action. In addition, Applicants have also corrected the dependency of claims 13, 14, and 16-20 to depend from claim 12.

Applicants have also amended claim 12 to clarify that different memory elements are being described in that claim.

In view of the above-noted claim amendments, Applicants respectfully submit that the claims are not objectionable and respectfully requests that the objection be withdrawn.

### **III. Claim Rejections - 35 U.S.C. § 112**

#### **A. Rejections under 35 U.S.C. § 112, Second Paragraph**

Claim 1 has been rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicant regards as the invention. In particular, the Examiner states that:

- a. The following term lacks antecedent basis:
  - i. the dirty buffer – Claim 1(e), line 9

In response to the rejection, Applicants have amended claim 1 to provide a proper antecedent basis for “dirty buffer.” Applicants have also amended claim 1 to remove various typos.

In view of the above-described amendments to the claims, it is respectfully asserted that claim 1 defines the invention in the manner required by 35 U.S.C. § 112. Accordingly, Applicants respectfully request that the rejection to this claim be withdrawn.

### **IV. Claim Rejections - 35 U.S.C. § 103(a)**

#### **A. Rejection of Claims 1-22**

Claims 1-22 have been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over *Jackson* (“*Jackson*,” U.S. Pub. No. 2002/0169769) in view of *Ito et al.* (“*Ito*,” U.S. Pub. No. 2002/0016792). Applicants respectfully submit that the rejection has been rendered moot, as described further below.

## **B. Discussion of the Rejection**

*Jackson* has been applied as the primary reference to claims 1-22. *Ito* has been applied as a secondary reference to claims 1-22. Declarations from the inventors under 37 C.F.R. § 1.131 and documentary evidence corresponding to Exhibits A-D accompanying the declarations have been submitted along with the present Response that identifies that the claimed invention was reduced to practice prior May 12, 2001 and December 20, 2000 filing dates of the *Jackson* and *Ito* publications, respectively. Exhibit "A" is a copy of pages 1-9 of a low level design document entitled, "RapidLogin(Persistent Storage)," which includes details of how to implement an embodiment of the claimed invention corresponding to the Rapid Login feature as part of a software package (ITRC 2.0 Release). This low level design document occurred prior to the earliest critical date of December 20, 2000. Exhibit "B" is a copy of an internal memo that summarizes test results of the software release (ITRC 2.0 Release) that includes an embodiment of the claimed invention corresponding to the Rapid Login feature, and that presents approval by the Program Office and Core release team members to deploy the software. Dates have been redacted in the document. The internal memo provides evidence that an embodiment of the claimed invention was tested and achieved satisfactory performance prior to the earliest critical date of December 20, 2000. Exhibit "C" is a copy of pages 1-2 of a Test Plan for the software release (ITRC 2.0 Release) that includes an explanation of an embodiment of the claimed invention corresponding to the Rapid Login feature. Dates have been redacted in the document. This Test Plan document occurred prior to the earliest critical date of December 20, 2000. Exhibit "D" is a copy of a document entitled, "Rapid Login - Performance Improvement for ITRC Login – Persistent Storage of Permissions," which is a project document that includes details of an embodiment of the claimed invention corresponding to the Rapid Login feature. Dates have been redacted in the document. This document occurred prior to the earliest critical date of December 20, 2000. Thus, all of these Exhibits provide evidence

of an embodiment of the claimed invention that has been reduced to practice, and all of these Exhibits have creation dates that predate the May 12, 2001 and December 20, 2000 filing dates (which accordingly provides evidence of an embodiment of the claimed invention that has been reduced to practice before the critical dates).

In view of these declarations and supporting evidence, Applicants respectfully submit that the rejection to claims 1-22 is moot since neither *Jackson* nor *Ito* is valid anticipatory references. Therefore, Applicants respectfully request that the rejections be withdrawn as applied to claims 1-22.

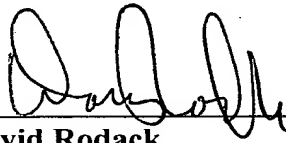
#### **V. Canceled Claims**

As identified above, claim 3 has been canceled from the application through this Response without prejudice, waiver, or disclaimer. Applicants reserve the right to present these canceled claims, or variants thereof, in continuing applications to be filed subsequently.

**CONCLUSION**

Applicants respectfully submit that Applicants' pending claims are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (770) 933-9500.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'David Rodack', is written over a horizontal line.

**David Rodack**  
**Registration No. 47,034**